

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

INSPECTION REPORT

DATE: 9 July 2012

LOCATION & COUNTY: Henry Tosta Dairy
20662 San Jose Road, Tracy
San Joaquin County

CONTACTS: Henry Tosta (owner / operator)

INSPECTION DATE: 3 July 2012

INSPECTED BY: Sean Walsh / Gilberto Corral (CVRWQCB)

OBSERVATIONS AND COMMENTS:

On 1 May 2012 Regional Water Quality Control Board staff conducted a routine compliance inspection at the Henry Tosta Dairy located at 20662 San Jose Road in Tracy. The inspection revealed several serious violations of the General Order including a massive amount of manure being stored on unprepared native soil. On 11 June 2012 a Cleanup And Abatement Order (11 June 2012 CAO) was issued to the Henry Tosta Dairy.

On 3 July 2012 Water Board staff inspected the Henry Tosta Dairy to confirm the items ordered in the 11 June 2012 CAO had been completed by the established deadlines; summarized below are the directives ordered by 11 June 2012 CAO with deadlines, and the status of each directive:

- 1) **DUE 25 JUNE 2012:** Plan for removing manure from the Henry Tosta Dairy production area. Received electronically 5 July 2012.
- 2) **DUE 29 JUNE 2012:** Permanently cap the pipe that is routed from Settling Basin #1 to the Naglee Burk Irrigation District Main canal. Done on or before 29 June 2012. Naglee Burk Irrigation District has confirmed the pipe has been removed. See photo on next page.



The pipe routed from the Henry Tosta Dairy to the Naglee Burk Irrigation District Drain has been removed. The photo shows the north bank of the drain approximately where the pipe used to be located.

- 3) **DUE 29 June 2012:** Install concrete pad at Well #1 and install controls to ensure 100 feet of separation is maintained between the well and the manured areas. Well-pad construction was not required; at the time of the inspection the well-pad was covered with dirt. Mr. Tosta removed the dirt from the well-pad and constructed a dirt berm around the well on or before 29 June 2012. No Photos are available.
- 4) **DUE 2 July 2012:** Removal of manure from the Henry Tosta Dairy production area must commence. Manure removal operations have NOT begun per staff's 3 July 2012 inspection. Mr. Tosta has hired Farina & Son Backhoe Service to remove the solid and slurry manure from the Henry Tosta Dairy production area; manure removal operations will supposedly begin either 12 July 2012 or 13 July 2012.



Photo taken 7/3/12: Settling Basin #1 at capacity. No manure or vegetation has been removed from Settling Basin #1.



Photo taken 7/3/12: Settling Basin #2 at capacity. No manure or vegetation has been removed from Settling Basin #2.



Photo taken 7/3/12: Lagoon #1 – no manure or vegetation has been removed.



Photo taken 7/3/12: Lagoon #2 – no manure or vegetation has been removed



Photo taken 7/3/12: This photo shows a portion of the 3-4 acre area of native soil where massive amounts of solid manure, slurry manure, and wastewater are being stored. No manure has been removed from this area.



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As part of the inspection staff wanted to observe and photograph the three on-site monitoring wells (the CAO requires the wells be located, sampled, and the samples submitted to the Regional Board by 7/23/12). Monitoring Well #1 is located on an access road in the southwest corner of the Henry Tosta Dairy production area. Monitoring Well #2 is located near the northeast corner of the Henry Tosta Dairy production area northwest of the silage storage area. Monitoring Well #3 is located immediately north of the north end of Settling Basin #1. Monitoring Well #3 is located in the area of native soil that requires manure removal, and is also under solid and slurry manure; Mr. Avila needed a shovel to remove solid manure so the removable cap could be reached. Additionally it appears that a portion of the wastewater generated within the production area is pushed onto and adjacent to this well.



Significant amounts of solid manure, slurry manure, and wastewater are located on top of and adjacent to Monitoring Well #3.



The photo shows David Avila removing solid manure from the top of Monitoring Well #3 so the removable cap could be accessed.



Slurry manure and wastewater that are generated in the production area are pushed through the gated area where they flow on top of and adjacent to Monitoring Well #3.

SUMMARY:

- ° The concrete well-pad was exposed at Well #1 and a small berm was built around the well.
- ° The pipe that was routed from Settling Basin #1 to the off-property drain has been removed.
- ° No manure has been removed from Settling Basin #1 or Settling Basin #2.
- ° No vegetation has been removed from Settling Basin #1 or Settling Basin #2.
- ° No manure has been removed from Wastewater Storage Lagoons #1-5.
- ° No vegetation has been removed from Wastewater Storage Lagoons #1-5.
- ° No solid manure, slurry manure, or wastewater has been removed from the 3-4 acre area of native soil.